

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

MEDICAL STAFF OF DOCTORS
MEDICAL CENTER IN MODESTO et al.,

Plaintiffs and Respondents,

v.

IVAN JEFFERY KAMIL et al.,

Defendants and Appellants.

2d Civil No. B179237
(Super. Ct. No. SC039997)
(Ventura County)

ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on September 8, 2005, be modified as follows:

1. On page 4, second sentence of the last paragraph, the word "alleged" is inserted between the words "include the" and "malicious destruction" so the sentence reads:

The question is whether the seemingly innocuous phrase "concerning the terms of" the agreement to provide medical care can reasonably be said to include the alleged malicious destruction of the Physicians' personal and professional reputations.

2. The sixth sentence of the last paragraph beginning on page 4, after the word "reports" on page 5, the words "as alleged here" are inserted so the sentence reads:

But the terms of this agreement do not give Blue Cross carte blanche to publicly pillory Physicians in press releases and newspaper reports as alleged here.

3. The last paragraph beginning on page 4, the seventh sentence on page 5, the word "alleged" is deleted and the words "complained of" are inserted in its place, so the sentence reads:

The defamation complained of here no more concerns the terms of the agreement, than would a punch in the nose during a dispute over a medical billing.

There is no change in the judgment

Appellants' petition for rehearing and request for depublication are denied.